

Message

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Sent: 1/28/2023 8:14:40 PM
To: Hensley, Amy (she/her/hers) [Hensley.Amy@epa.gov]; Morlock, Nancy (she/her/hers) [morlock.nancy@epa.gov]; Smith, Mark A. [Smith.Marka@epa.gov]; Becker, KC [Becker.KC@epa.gov]; Watkins, Kelly [Watkins.Kelly@epa.gov]
Subject: CCR News Clips and Media Update

Hi – I am not aware of anyone in the region or HQ receiving any North Dakota specific CCR media inquiries this week. I also didn't see any regional news clips related to the CCR denials. I did want to pass along this CNN and Earth Justice clip in case folks haven't seen it yet.

CNN:

<https://www.cnn.com/2023/01/25/us/epa-coal-ash-power-plants-climate/index.html>

EPA plans to stop 6 power plants from dumping toxic coal ash into unlined ponds

Kelly Jordan and Mandi Wright/USA TODAY NETWORK

The Environmental Protection Agency on Wednesday announced it plans to stop six coal-fired power plants from continuing to dump coal ash – a toxic byproduct of coal-fired electricity – into unlined ponds.

The agency announced last year that it would begin to enforce Obama-era regulations requiring coal-fired power plants to clean up the waste generated from their operations. There are approximately 500 unlined coal-ash ponds in the United States, according to the EPA.

These ponds can leak toxins into groundwater or nearby waterways. Coal ash contains pollutants including mercury, cadmium and arsenic that can poison drinking water and pollute rivers.

The Trump administration was criticized by environmental groups for not enforcing the coal ash rule, which was finalized in 2015.

EPA announced Wednesday it is proposing to deny six power plants' applications to continue using unlined ponds to dump coal ash. The plants are located in Michigan, North Dakota, Pennsylvania, Arizona, Texas and Michigan.

If the agency finalizes these denials, the power plants will ultimately have to stop dumping coal ash in unlined ponds – which could make it more expensive for the plants to stay open.

The agency also announced that while a seventh power plant – the Apache Generating Station in Cochise, Arizona – has withdrawn its application with the agency, the EPA did find deficiencies in the plant's coal ash liners and groundwater monitoring.

"With today's proposed denials, EPA is holding facilities accountable and protecting our precious water resources from harmful contamination, all while ensuring a reliable supply of electricity to our communities," EPA administrator Michael Regan said in a statement.

The agency said the plant owners and operators failed to demonstrate their ponds could comply with regulations designed to make sure toxic ash doesn't leach into groundwater or nearby waterways.

The EPA found the plants had inadequate groundwater monitoring networks, as well as evidence that coal ash ponds were releasing toxic ash.

Earth Justice

<https://earthjustice.org/news/press/2023/epa-moves-to-reject-six-coal-plants-applications-to-keep-toxic-coal-ash-dumps-open>

EPA Moves to Reject Six Coal Plants' Applications to Keep Toxic Coal Ash Dumps Open

Victory: EPA found that the six plants failed to prove that their coal ash ponds were not leaking and not contaminating groundwater

CONTACTS

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Today the Environmental Protection Agency (EPA) proposed rejections for applications from six coal power plants that sought to continue dumping coal ash into unlined ponds.

Coal ash waste ponds without a composite liner made of plastic and clay have leached toxins into groundwater and pose a threat to nearby communities. However, the Trump administration invited utilities to apply for exemptions (under its “Part B” rule) from a requirement to close these dangerous ponds, if they claimed that the soil under the ash is not porous, and that legitimate testing did not show the ponds are polluting groundwater above federal standards. Eight power plants in seven states applied for this exemption — two applications were later withdrawn. Today, EPA proposed to deny the six remaining requests.

The six plants are: Monroe Power Plant (Michigan), Belle River (Michigan), Coal Creek Station (North Dakota), Conemaugh (Pennsylvania), Coronado (Arizona), and Martin Lake (Texas). In today’s decisions, EPA found that all six plants failed to prove that their coal ash ponds were not leaking and were not contaminating groundwater.

Earthjustice Attorney Melissa Legge said, “We are pleased to see the EPA is beginning to address toxic coal ash pollution at more sites. In these decisions, EPA called out many of the dirty tricks that utilities are using to avoid identifying and cleaning up their groundwater contamination, such as putting monitoring wells in the wrong places or using deficient testing methods. We urge EPA to follow through with enforcement of these protections, at these sites and throughout the country, to hold utilities accountable for long-overdue cleanup of their toxic messes.”

A 2022 report by Earthjustice and the Environmental Integrity Project found most power plants are violating the federal coal ash rules that mandate cleanup of contaminated groundwater. Among other serious violations, coal ash dumps at 91% of the plants evaluated were found to be contaminating the groundwater.

Since January 2022, EPA has proposed decisions on a dozen other applications by power plants under a separate Trump administration rule — the “Part A” rule — seeking to continue disposing of coal ash in unlined ponds. The agency has finalized one of those proposed decisions, refusing a request from Gavin Power, LLC for the General James M. Gavin Power Plant in Cheshire, Ohio.

EPA announced today that it is taking public comments on its proposed Part B decisions and will then issue final decisions for each of the six sites. The comment period for these proposed decisions is currently scheduled from February 8 to March 10.

EPA proposed to reject applications today from these power plants:

- **Belle River, Michigan.** EPA found that DTE Electric provided deficient information on its groundwater monitoring network and had not established that its alternative liner was as protective as required. DTE also unsuccessfully tried to claim that leakage, including elevated levels of boron, arsenic, and lithium, was from other sources, but EPA found evidence of releases from DTE’s impoundment, despite owner claims that the contamination is naturally occurring.
- **Monroe Power Plant, Michigan.** This plant is located in a low-income community. Groundwater monitoring data shows evidence of leakage from the plant, including elevated levels of boron, fluoride, and lithium. EPA found that DTE Electric ignored evidence that the ash pond was leaking and could not prove that detected pollution did not come from the ash pond. EPA also called out the company’s improper statistical analysis and inadequate groundwater monitoring network.
- **Coal Creek Station, North Dakota.** Groundwater at this power plant, the largest in the state, shows levels of arsenic, boron, cobalt, lead, lithium, and sulfate that exceed federal safety standards. EPA found that the companies’ wells and statistical analysis did not adequately show that the coal ash pond was not responsible for this contamination. This plant was slated to close until it was sold to Rainbow Energy for cryptocurrency mining, which could lead to increased production at the plant.
- **Conemaugh, Pennsylvania.** This plant is located in a low-income community. EPA found that the plant’s groundwater monitoring network was inadequate, there was evidence of potential pollution from the impoundment, and the plant was unable to prove its ash ponds would not leak.

- **Coronado, Arizona.** Lithium in the groundwater at this plant has been found at levels 14 times higher than safe levels. EPA found that the plant owner did not adequately address concerns that its coal ash pond is leaking.
- **Martin Lake, Texas.** The 2022 coal ash report by Earthjustice and Environmental Integrity Project identified this as one of the 19 worst polluting plants in the U.S. Arsenic, beryllium, boron, cobalt, lithium, and mercury pollutes groundwater at the plant. Today, EPA found evidence that the plant's coal ash pond was leaking and identified serious problems with its groundwater monitoring network. EPA noted particular problems at Martin Lake stemming from the owner's decision to build the ash pond on top of three former ash landfills.

The EPA has noted that the risks to humans associated with exposure to coal ash include “cancer in the skin, liver, bladder and lungs,” “neurological and psychiatric effects,” “cardiovascular effects,” “damage to blood vessels,” and “anemia.”

Coal ash is the toxic waste generated by burning coal to produce electricity, and it is the second largest industrial waste stream in the U.S. Earthjustice filed a lawsuit on behalf of environmental, civil rights, and community groups last year to force EPA to close a loophole that exempts over half a billion tons of toxic coal ash in landfills from federal oversight.

Thanks,

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